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11 EDGAR RAFAEL NAVARRO CHAVOYA

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 vs.
18 EDGAR RAFAEL NAVARRO
19 CHAVOYA,
20 Defendant.

21 Case No. 1:21-cr-00314-JLT-SKO

22 **STIPULATION TO VACATE SENTENCING
23 HEARING AND STAY BRIEFING ON
24 MOTION TO WITHDRAW GUILTY PLEA;
25 ORDER**

26 IT IS HEREBY STIPULATED by and between the parties through their respective
27 counsel, Assistant United States Attorney Joseph Barton, counsel for plaintiff, and Assistant
28 Federal Defender Erin Snider, counsel for Edgar Rafael Navarro Chavoya, that the Court may
vacate the sentencing hearing currently scheduled for April 7, 2025, and stay further briefing on
the pending motion to withdraw guilty plea pending the resolution of the government's petition
for rehearing and/or rehearing en banc in *United States v. Gomez*, No. 23-435.

29 On September 3, 2024, Mr. Navarro Chavoya pled guilty to the Indictment, which
30 charges him with a violation of 8 U.S.C. § 1326(a) and (b)(2), and the Court set the matter for
31 sentencing on December 2, 2024, at 9:00 a.m. ECF #62. The Court later continued the sentencing
32 to April 7, 2025, pursuant to the parties' stipulation. ECF #64, #66.

33 On March 3, 2025, Mr. Navarro Chavoya filed a motion to withdraw his guilty plea in
34 light of the Ninth Circuit Court of Appeal's decision in *United States v. Gomez*, No. 23-435. ECF

1 #68. Mr. Navarro Chavoya noted in the memorandum in support of the motion that the
2 government had filed a petition for rehearing and/or rehearing en banc in *Gomez*. *Id.* at 2 n.1.

3 After further discussions, the parties now ask that the Court vacate the April 7, 2025
4 sentencing hearing and stay further briefing on the motion to withdraw guilty plea pending the
5 resolution of the government's petition for rehearing and/or rehearing en banc. The parties are
6 making this request with the intention of conserving time and resources for both the parties and
7 the Court.

8 **IT IS SO STIPULATED.**

9 Respectfully submitted,

10 PHILLIP A. TALBERT
11 United States Attorney

12 Date: March 7, 2025

/s/ Joseph Barton _____
JOSEPH BARTON
Assistant United States Attorney
Attorney for Plaintiff

15 Date: March 7, 2025

16 HEATHER E. WILLIAMS
Federal Defender
/s/ Erin Snider _____
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
EDGAR RAFAEL NAVARRO CHAVOYA

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ORDER

IT IS SO ORDERED. The sentencing hearing currently scheduled for April 7, 2025, at 9:00 a.m. is vacated. Further briefing on the pending motion to withdraw guilty plea is stayed pending resolution of the government's petition for rehearing and/or rehearing en banc in *United States v. Gomez*, No. 23-435. The motion hearing currently scheduled for March 17, 2025, at 9:00 a.m. is vacated.

IT IS SO ORDERED.

Dated: March 10, 2025

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE